



Rep. Maurice A. West, II

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10200HB4215ham001

LRB102 21394 KTG 37221 a

1 AMENDMENT TO HOUSE BILL 4215

2 AMENDMENT NO. _____. Amend House Bill 4215 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title; references to Act.

5 (a) This Act may be cited as the Child Extended
6 Bereavement Leave Act.

7 (b) This Act may be referred to as Zachary's Parent
8 Protection Act.

9 Section 5. Definitions. In this Act:

10 "Child" means an employee's biological, adopted, or foster
11 child, a stepchild, a legal ward, or a child of a person
12 standing in loco parentis.

13 "Department" means the Department of Labor.

14 "Employee" means a full-time employee of a large employer
15 or a small employer who has worked for that employer for at
16 least 2 weeks; however, "employee" does not include a salaried

1 employee who is among the highest paid 10% of the employees
2 employed by the employer.

3 "Employer" means a large employer or a small employer.

4 "Large employer" means a person or entity, other than the
5 federal government or an agency of the federal government,
6 that employs 250 or more employees on a full-time basis in
7 Illinois.

8 "Small employer" means a person or entity, other than the
9 federal government or an agency of the federal government,
10 that employs at least 50 but fewer than 250 employees on a
11 full-time basis in Illinois.

12 Section 10. Leave.

13 (a) An employee of a large employer is entitled to use a
14 maximum of 12 weeks of unpaid leave if the employee
15 experiences the loss of a child by suicide or homicide.

16 (b) An employee of a small employer is entitled to use a
17 maximum of 6 weeks of unpaid leave if the employee experiences
18 the loss of a child by suicide or homicide.

19 (c) Leave under subsection (a) or (b) may be taken in a
20 single continuous period or intermittently in increments of no
21 less than 4 hours, but leave must be completed within one year
22 after the employee notifies the employer of the loss.

23 (d) An employer may require reasonable advance notice of
24 the employee's intention to take leave, unless providing such
25 notice is not reasonable and practicable.

1 (e) An employer may require reasonable documentation.
2 Documentation may include a death certificate, a published
3 obituary, or written verification of death, burial, or
4 memorial services from a mortuary, funeral home, burial
5 society, crematorium, religious institution, or government
6 agency. An employer may require that the documentation include
7 the cause of death.

8 Section 15. Existing leave usable for bereavement. An
9 employee who is entitled to take paid or unpaid leave
10 (including family, medical, sick, annual, personal, or similar
11 leave) from employment, pursuant to federal, State, or local
12 law, a collective bargaining agreement, or an employment
13 benefits program or plan may elect to substitute any period of
14 such leave for an equivalent period of leave provided under
15 this Act.

16 Section 20. Protections.

17 (a) An employee who takes leave under this Act is
18 entitled, on return from such leave:

19 (1) to be restored by the employer to the position of
20 employment held by the employee when the leave commenced;
21 or

22 (2) to be restored to an equivalent position with
23 equivalent employment benefits, pay, and other terms and
24 conditions of employment.

1 (b) The taking of leave under this Act shall not result in
2 the loss of any employment benefit accrued prior to the date on
3 which the leave commenced.

4 (c) Nothing in this Act shall be construed to entitle any
5 restored employee to:

6 (1) the accrual of any seniority or employment
7 benefits during any period of leave; or

8 (2) any right, benefit, or position of employment
9 other than any right, benefit, or position to which the
10 employee would have been entitled had the employee not
11 taken the leave.

12 Section 25. Unlawful employer practices.

13 (a) It is unlawful for any employer to take any adverse
14 action against an employee because the employee:

15 (1) exercises rights or attempts to exercise rights
16 under this Act;

17 (2) opposes practices which such employee believes to
18 be in violation of this Act; or

19 (3) supports the exercise of rights of another under
20 this Act.

21 (b) Exercising rights under this Act includes:

22 (1) filing an action or instituting or causing to be
23 instituted any proceeding under or related to this Act;

24 (2) providing or agreeing to provide any information
25 in connection with any inquiry or proceeding relating to

1 any right provided under this Act; or

2 (3) testifying to or agreeing to testify in any
3 inquiry or proceeding relating to any right provided under
4 this Act.

5 Section 30. Department responsibilities.

6 (a) The Department shall administer and enforce this Act
7 and adopt rules under the Illinois Administrative Procedure
8 Act for the administration and enforcement of this Act. The
9 Department has the powers and the parties have the rights
10 provided in the Illinois Administrative Procedure Act for
11 contested cases. The Department has the power to conduct
12 investigations in connection with the administration and
13 enforcement of this Act, including the power to conduct
14 depositions and discovery and to issue subpoenas. If the
15 Department finds cause to believe that this Act has been
16 violated, the Department shall notify the parties in writing
17 and the matter shall be referred to an Administrative Law
18 Judge to schedule a formal hearing in accordance with hearing
19 procedures established by rule.

20 (b) The Department is authorized to impose civil penalties
21 in administrative proceedings that comply with the Illinois
22 Administrative Procedure Act and to supervise the payment of
23 the unpaid wages and damages owing to the employee or
24 employees under this Act. The Department may bring any legal
25 action necessary to recover the amount of unpaid wages,

1 damages, and penalties, and the employer shall be required to
2 pay the costs. Any sums recovered by the Department on behalf
3 of an employee under this Act shall be paid to the employee or
4 employees affected.

5 (c) The Attorney General may bring an action to enforce
6 the collection of any civil penalty imposed under this Act.

7 Section 35. Enforcement.

8 (a) An employee who believes his or her rights under this
9 Act or any rule adopted under this Act have been violated may,
10 within 60 days after the date of the last event constituting
11 the alleged violation for which the action is brought, file a
12 complaint with the Department or file a civil action.

13 (b) An employer that violates any provision of this Act or
14 any rule adopted under this Act is subject to a civil penalty
15 for each employee affected as follows:

16 (1) for a first offense, a civil penalty not to exceed
17 \$500;

18 (2) for a second or subsequent offense, a civil
19 penalty not to exceed \$1,000.

20 (c) A civil action may be brought in the circuit court by
21 an employee to enforce this Act. The circuit court may enjoin
22 any act or practice that violates or may violate this Act and
23 may order any other equitable relief that is necessary and
24 appropriate to redress the violation or to enforce the Act.

1 Section 40. Use of other leave laws. This Act does not
2 extend the maximum period of leave to which an employee is
3 entitled under the federal Family and Medical Leave Act of
4 1993 or under any other paid or unpaid leave provided under
5 federal, State or local law, a collective bargaining
6 agreement, or an employment benefits program or plan.

7 Section 90. The Child Bereavement Leave Act is amended by
8 adding Section 35 as follows:

9 (820 ILCS 154/35 new)

10 Sec. 35. Other law. A person who uses leave under the Child
11 Extended Bereavement Leave Act because of the death of a child
12 may not take leave under this Act because of the death of the
13 same child."